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STATE OF CALIFORNIA
NEW MOTOR VEHICLE BOARD
MINUTES

The New Motor Vehicle Board held a General meeting on March 8, 2005, in Hearing Room #1, at the offices of the New Motor Vehicle Board ("Board").

2. **ROLL CALL**

David W. Wilson, President of the Board, called the General meeting to order at 10:00 a.m.

Present:	Robert V. Branzuela	Tom Novi
	Robert T. (Tom) Flesh	Executive Director
	David C. Lizárraga	Howard Weinberg
	Haig Papaian	General Counsel
	Andy Robles	Robin Parker
	Sushil K. Sharma	Senior Staff Counsel
	Alan J. Skobin	
	Glenn E. Stevens	
	David W. Wilson	

3. **APPROVAL OF THE MINUTES FROM THE JANUARY 26, 2005, GENERAL MEETING**

Mr. Flesh moved to adopt the January 26, 2005, General Board meeting minutes. Mr. Stevens seconded the motion. The motion carried unanimously.

Mr. Novi made a presentation from Board staff to Glenn Stevens, immediate past Board President recognizing Mr. Stevens' exemplary performance as Board President during 2003-2004.

4. **ANNUAL REVIEW OF THE BOARD'S MISSION AND VISION STATEMENTS - EXECUTIVE COMMITTEE**

The members were provided with a memorandum from Tom Novi concerning the annual review of the Board's mission and vision statements. Mr. Novi indicated that from the staffs' perspective the Mission and Vision Statements appeared to be an accurate reflection of the Board's current focus and direction. The members suggested no changes.

5. **STATUS REPORT CONCERNING THE IMPLEMENTATION OF ACCEPTING CREDIT CARD PAYMENTS FOR FILING AND OTHER FEES - ADMINISTRATION COMMITTEE**

The members were provided with a memorandum from Tom Novi, Dawn Kindel, and Linda Lighter. Ms. Lighter reported that after three years the Board now has the ability to accept credit card payments for filing fees and document requests. Ms. Lighter indicated that no one has used this service yet. She further indicated that the staff would monitor the necessity and feasibility of offering credit card payments on-line. Note: Following the meeting it was determined that the website had been updated to reflect this additional service.

6. **STATUS REPORT ON THE TRANSCRIPT POLICY THAT ALLOWS LITIGANTS TO PURCHASE HEARING OR MEETING TRANSCRIPTS FROM THE COURT REPORTER INSTEAD OF THE BOARD - ADMINISTRATION COMMITTEE**

The members were provided with a verbal status report from Dawn Kindel concerning the transcript policy that allows litigants to purchase hearing or meeting transcripts from the court reporter instead of the Board. Miss Kindel indicated that this process was running smoothly and no problems have been reported.

7. **BOARD MEMBER EDUCATION CONCERNING CHANGES TO THE ADMINISTRATIVE PROCEDURE ACT, BAGLEY-KEENE OPEN MEETING ACT, POLITICAL REFORM ACT, AND PUBLIC RECORDS ACT - BOARD DEVELOPMENT COMMITTEE**

Annually the Board staff provides an update concerning any statutory changes to the laws that govern the Board's operations and its quasi-judicial functions. Howard Weinberg provided a brief update on the Administrative Procedure Act, Bagley-Keene Open Meeting Act, Political Reform Act, and Public Records Act. Mr. Weinberg indicated that there were no statutory changes that affected the Board.

8. **STATUS REPORT CONCERNING THE BOARD'S FINANCIAL CONDITION FOR THE 2ND QUARTER OF FISCAL YEAR 2004-2005 - FISCAL COMMITTEE**

The members were provided with a memorandum from Tom Novi, Dawn Kindel, and Linda Lighter concerning the Board financial condition report for the 2nd quarter of fiscal year 2004-2005. Ms. Lighter reported that the Board had expended 40% of its appropriated budget through the second quarter of the fiscal year and was operating well within its budget.

9. **CONSIDERATION OF DEALER/MANUFACTURER BOARD FEE ADJUSTMENTS - FISCAL COMMITTEE**

The members were provided with a memorandum from Tom Novi, Dawn Kindel, and Linda Lighter concerning dealer/manufacturer Board fee adjustments. Ms. Lighter reported that

the reserve balance was decreasing at a slower rate than originally projected and that it appears that it will continue to decrease to \$1.5 million in fiscal year 2006-2007. The Committee recommended that the current fee structure remain in effect for the time being. Mr. Robles moved to adopt the Committee Recommendation. Mr. Sharma seconded the motion. Mr. Robles moved to amend the motion as follows: the fee structure is to remain in effect for the time being and the Board will review actual fees collected versus projections in six- month increments commencing in October 2005. The motion carried unanimously. (An October Board meeting is not scheduled for 2005; this matter will then be agendized for the November 17, 2005, General meeting.)

10. **CONSIDERATION OF THE REVISED NEW MOTOR VEHICLE BOARD ADMINISTRATIVE LAW JUDGES BENCHBOOK (FORMERLY, DISPUTE RESOLUTION GUIDE FOR ADMINISTRATIVE LAW JUDGES AND OTHERS) - POLICY AND PROCEDURE COMMITTEE**

The members were provided with a revised version of the *New Motor Vehicle Board Administrative Law Judges Benchbook (formerly, Dispute Resolution Guide for Administrative Law Judges and Others.)* Judge Wilson originally drafted the Guide. Mr. Weinberg reported that the changes were minor. Mr. Stevens moved to approve the revised version of the *Administrative Law Judges Benchbook*. Mr. Robles seconded the motion. The motion carried unanimously.

11. **DISCUSSION CONCERNING PENDING LEGISLATION OF GENERAL INTEREST - POLICY AND PROCEDURE COMMITTEE**

- (1) Assembly Bill 68 (Assembly Member Montanez)
- (2) Assembly Bill 1223 (Assembly Members Leno and Lieber)
- (3) Senate Bill 114 (Senator Bowen)
- (4) Senate Bill 120 (Senator Florez)
- (5) Senate Bill 504 (Senator Alquist)
- (6) Senate Bill 637 (Senator Speier)

The members were provided with a memorandum from Tom Novi and Robin Parker summarizing the pending legislation of general interest. Ms. Parker reported that there was no pending legislation that directly impacted the Board's operations.

12. **EXECUTIVE DIRECTOR'S REPORT**

- a. Administrative Matters.
- b. Status of Protests.
- c. Status of Petitions.
- d. Status of Appeals.
- e. Judicial Review.
- f. Notices Filed Pursuant to Vehicle Code sections 3060/3070 and 3062/3072.
- g. Other.

Mr. Novi provided the members with a Report on Administrative Matters that identified all pending projects, the Board staff and committee assigned, estimated completion dates, and status. He focused specifically on the upcoming Industry Roundtable scheduled for April 20, 2005, indicating that the draft discussion topics had been mailed to prospective attendees.

The members were also provided with a copy of the Executive Director's Report. Ms. Peralta reported as follows: (1) six protests were in the initial stages of the process; (2) three protests were scheduled for Mandatory Settlement Conferences; (3) 11 protests were in discovery and preparing for merits hearings; and (4) one protest was currently in hearing. Mr. Stevens focused on the *Soutar's Nissan* matter asking that staff work closely with the parties to expeditiously resolve the dispute.

Mr. Weinberg reported that notice of appeals had not been filed in *Daugherty Lincoln Mercury, Inc. v. New Motor Vehicle Board* or *University Ford, Inc., dba Bob Baker Ford v. New Motor Vehicle Board*. He anticipated the court in *Camarilla, Inc., dba V.I.P. Auto Upholstery; Jeffrey L. Willis v. Executive Director of the New Motor Vehicle Board* would issue an Order to Show Cause. Lastly, Mr. Weinberg reported that writs of mandate were filed in both protests involving Ray Fladeboe Lincoln Mercury, Inc.

Mr. Flesh inquired as to whether the lease for the Board's offices had been renewed and whether the Board had been completely reimbursed for the damage caused by the fire and flood sustained in May 2004. Mr. Novi reported that the lease is being renewed and that the building owners had completed all fire and flood repairs at no cost to the Board. Mr. Flesh also congratulated David Wilson for being selected the California Motor Car Dealers Association "Quality Dealer of the Year."

13. **ADJOURNMENT**

With no further business to discuss, the meeting was adjourned at 10:46 a.m.

Submitted by

TOM NOVI
Executive Director

APPROVED: _____
David W. Wilson
President
New Motor Vehicle Board